

**MISQUAMICUT FIRE DISTRICT
BOARD OF OFFICERS WORKSHOP
MINUTES OF MEETING HELD OCTOBER 15, 2014**

1. Call to Order

The Board of Officers Workshop meeting of the Misquamicut Fire District was called to Order by Moderator Michelle Vacca at 4:32 p.m. on October 15, 2014.

2. Roll Call

The following Officers were present: Moderator Michelle Vacca, Tax Collector Mary Delisio, Clerk Dianne Vumback, Solicitor John P. Toscano, Jr., Fire Chief Shannon Earle and Members-at-Large Marilyn Bellesheim and Russell Ryan. Treasurer William T. Sisco and Tax Assessor Leone D'Onofrio were absent.

3. Discussion regarding Fire Chief's residency within the boundaries of the Misquamicut Fire District in accordance with Charter requirements, voting status and voting address within the Town of Westerly in accordance with charter requirements, and the Fire Chief's availability to report to calls within the District

Discussion ensued regarding Fire Chief Earle's residency within the

boundaries of the Misquamicut Fire District in accordance with charter requirements, his voting status and voting address within the Town of Westerly. Solicitor Toscano indicated that Fire Chief Earle advised him and Moderator Vacca that due to a life changing situation of a personal nature he no longer resides at 65 Shore Road and that he is now living at 164 Shore Road. Further, he indicated that his lease and vehicle records reflect his current address. The Fire Chief was then asked whether he was registered to vote at his new address.

He indicated that upon inquiry he learned that it would take three weeks in order to be officially registered to vote at his new address. Solicitor Toscano indicated that the Fire Chief will not be registered with the Westerly Board of Canvassers on time for the November election. Moderator Vacca indicated that this is a violation of the District Charter. Further, she expressed her disappointment that the Fire Chief did not follow through with making proper changes immediately as he had promised her he would as this entire discussion could have been avoided. Fire Chief Earle stated that he would follow up first thing in the morning the day after this meeting. Moderator Vacca advised the Fire Chief that his neglect had placed the District at risk.

Discussion ensued concerning the Fire Chief's lack of availability within the District. Moderator Vacca advised Fire Chief Earle that there are disgruntled property owners due to his inability to be available within the District which is "not to their liking." The Fire Chief stated that it is the impression of taxpayers that they wait

around for phone calls for inspections and reviewing building plans. He indicated that they cannot expect him to be available immediately. He stated that he has adjusted his schedule to meet with people and they need to understand that he does not have the luxury and freedom to come and go as he pleases. Solicitor Toscano inquired if there is a set schedule with an assigned person to be available from 8:00 a.m. through 5:00 p.m. to protect the District. The Fire Chief said he is available 24/7 and in person after 5:00 p.m. Monday through Sunday. A suggestion was made that certain times and certain days for inspections should be posted.

Moderator Vacca addressed the meetings of the Fire Department. She indicated that the meeting held on Tuesday would have complaints and that the District would be fined if that meeting was deemed to be illegal. The Fire Chief claimed to have reached out to the Secretary of State's Office last week and was advised by them that the Fire Department has been out of compliance since 2004. Clerk Vumback reminded the Fire Chief that he had been made aware of the Fire Department being out of compliance by Moderator Vacca in June and July. At the Board meeting, Fire Chief Earle indicated that he was in compliance. Moderator Vacca advised Fire Chief Earle to be sure to be in compliance for September, and further, advised him not to have an October meeting of the Fire Department until he was in compliance with the Secretary of State's Office, yet he had the October meeting.

Solicitor Toscano requested one of two things; either the Fire Department hires their own counsel and is guided by that lawyer, or contact Moderator Vacca who will direct questions to him. Questions arose about whether the October meeting of the Fire Department held Tuesday October 7, 2014 was legal. Solicitor Toscano stated that “the law is that you post in two locations. If you didn’t post in two locations, do you think it was a legal meeting?”

4. Discussion regarding correspondence received from Lisa Pinsonneault, Special Assistant Attorney General for the State of RI, regarding the Access to Public Records Act (APRA) RIGL §38-2-3(d) and §38-2-3.16 requiring the Clerk’s orientation and training pursuant to said General Laws and her Certification by the Moderator (Chief Administrator), in addition to requirement that the District post its policies and procedures concerning APRA on its website and at the principal office of the public body, the Misquamicut Fire House

Clerk Vumback, in her capacity as keeper of the records, received the mandatory orientation and training pursuant to APRA which was certified by Moderator Vacca, as the Chief Administrator, and filed with the State of RI.

The adoption of the District’s Policies and Procedures for requesting public records pursuant to APRA will be voted on at this meeting, and once adopted, will be posted permanently in the fire house building,

on the front door of the fire house and on the District website, along with a form which may be used to request such records.

Solicitor Toscano indicated the Board may have Workshops, however, next month the Board will have a regular meeting.

Moderator Vacca asked for a Motion to amend the agenda in order to adopt the Policies and Procedures of the Misquamicut Fire District and the Request for Records form pursuant to the Access to Public Records Act.

Upon motion duly made by Mr. Ryan and seconded by Mrs. Delisio to amend the agenda, and it was unanimously,

VOTED: To amend the agenda in order to adopt the Policies and Procedures of the District along with the Request for records form pursuant to APRA.

Moderator Vacca then asked for a Motion to adopt the Policies and Procedures along with the Request for Records form pursuant to APRA.

Upon motion duly made by Mr. Ryan and seconded by Mrs. Delisio to adopt the Policies and Procedures along with the Request for Records form pursuant to APRA, it was unanimously,

VOTED: To adopt the Policies and Procedures for requesting public records pursuant to APRA along with the Request for Records form.

In the absence of Treasurer Sisco, Moderator Vacca presented the audit for the year ending-2014 of the Misquamicut Fire District and the Misquamicut Fire Department for the Board's consideration. She then asked for a Motion to amend the agenda for the acceptance of said audit.

Upon motion duly made by Mr. Ryan and seconded by Mrs. Delisio to amend the agenda for the purpose of accepting said audit, it was unanimously,

VOTED: To amend the agenda for the acceptance of said audit.

Moderator Vacca then asked for a motion to accept said audit.

A motion was made by Mrs. Bellesheim and seconded by Mrs. Delisio to accept the audit for the year ending-2014 of the Misquamicut Fire District and the Misquamicut Fire Department.

Discussion then ensued. Mr. Ryan expressed his concern about accepting the audit without Treasurer Sisco being present to discuss the same.

There being no further discussion, the Moderator called for a poll

vote. Those in favor were Marilyn Bellesheim, Mary Delisio, Dianne Vumback and Michelle Vacca. Those opposed were Shannon Earle and Russell Ryan. The vote being 4 to 2 in favor, the motion to accept the audit of the Misquamicut Fire District and the Misquamicut Fire Department for the year ending-2014 carried.

5. Agenda referrals

The following items are referred to the next Board meeting under the agenda item of New Business:

(a) Approval of Minutes of the meetings held September 17, 2014 and October 15, 2014

(b) National Grid Energy Survey

(c) Discussion of fire apparatus

(d) Discussion of quotes received for installation of a new heating system at the fire house,

the removal of the old oil tank, and pricing of fuel

(e) Discussion concerning taxpayers in arrears

The next Regular Meeting of the Board of Officers of the Misquamicut Fire District will be held on Saturday, November 8, 2014 at 9:30 a.m.

The Moderator then asked for a motion to adjourn the meeting. Upon motion duly made and seconded, it was unanimously

VOTED: To adjourn the meeting at 5:57 p.m.

ADJOURNED.

Respectfully submitted,

Dianne Vumback, Clerk